

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL KRAUSE,

Petitioner,

v.

TARA KRAUSE,

Respondent.

Case No. 1: 21-cv-01706-JLT-SAB

ORDER SETTING BRIEFING AND
HEARING SCHEDULE ON
FORTHCOMING MOTIONS

(ECF Nos. 70, 71, 72, 73)

This action proceeds on Michael Krause’s (“Petitioner”) verified petition for the return of children to Petitioner (ECF No. 1), brought pursuant to the Hague Convention on the Civil Aspects of International Child Abduction and the International Child Abduction Remedies Act, Pub. L. No. 100-300, 102 Stat. 437 (1988) (codified as amended at 22 U.S.C. §§ 9001 et seq.), which implements the Convention. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. (ECF No. 17.)

On May 23, 2022, at 10:22 p.m., Petitioner filed a motion to dismiss this action pursuant to Federal Rule of Civil Procedure 41(a)(2). (ECF No. 70.) On May 24, 2022, Tara Krause (“Respondent”) filed a response to the Petitioner’s motion requesting that this matter be dismissed with prejudice and conditioned on an award of attorneys’ fees and costs. (ECF No. 71.) Given these filings, and the Court being previously notified of forthcoming sanction motions from each party, the Court held a status hearing on May 25, 2022, to discuss a briefing

and hearing schedule on pending and forthcoming motions.

Pursuant to the matters discussed at the May 25, 2022 status hearing, and the agreement of the parties as to the briefing and hearing schedule, the Court sets the below schedule. Further, the Court was advised at the hearing that Respondent is attempting to secure the cooperation of a potential witness who is an employee of the Air Force. Respondent proffered that they had already served a subpoena, but counsel for the witness indicated they would need a further order from the Court to acquiesce or comply with the subpoena. The Court will accept an appropriately filed proffer regarding this potential witness, and will issue an appropriate or granting subpoena power, or further order as necessary and proper.

Accordingly, IT IS HEREBY ORDERED that:

1. The parties shall file any motions for sanctions, attorneys' fees, or other related motions on or before June 1, 2022;
2. The parties shall file any opposition briefing on or before June 15, 2022;
3. The parties shall file any reply briefing on or before June 22, 2022;
4. A hearing on the motions shall be held on July 6, 2022, at 10:00 a.m. in Courtroom 9 before Magistrate Judge Stanley A. Boone; and
5. Based on the proffers of the parties in briefing, if the Court determines an evidentiary hearing is necessary, the Court will set an evidentiary hearing through a subsequent order setting forth the date and time for an in-person evidentiary hearing to be held.

IT IS SO ORDERED.

Dated: May 25, 2022


UNITED STATES MAGISTRATE JUDGE